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* Admitted in NY only
** Passed the Patent Bar Examination
*** Admitted in TX only

December 3, 2001

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

COPY OF PAPERS
ORIGINALLY FILED

Re: U.S. Patent Application Serial No.: 09/939,011, Filed August 24, 2001
Entitled: DEVICE FOR IDENTIFYING THE PRESENCE OF A
NUCLEOTIDE SEQUENCE IN A DNA SAMPLE
Inventor: James Benn and Jean Francois Manchec
Our Ref. No.: GEN-007ACP

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice To File Missing Parts of Non-Provisional Application filed Under 37 CFR 1.53(b) Filing Date Granted (2 pages) (in duplicate);
2. Copy of Notice to File Missing Parts of Non-Provisional Application (Formalities Letter) (1 page);
3. Executed Declaration, Petition and Power of Attorney (6 pages);
4. Check in the amount of \$65.00 for surcharge based on small entity status;
5. Transmittal of Formal Drawings (2 pages, in duplicate);
6. Substitute Drawing Sheets (11 pages);
7. Prepaid acknowledgement postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Missing Parts, Washington, DC 20231 on:

December 3, 2001

Date

Peter C. Lauro, Esq. Reg. No. 32,360

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Peter C. Lauro, Esq.
Reg. No. 32,360

PCL/CEM:kl
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of: James Benn *et al.*

Serial No.: 09/939,011

Filed: August 24, 2001

Title: DEVICE FOR IDENTIFYING THE
PRESENCE OF A NUCLEOTIDE SEQUENCE IN A
DNA SAMPLE

Attorney Docket No.: GEN-007ACP

Group Art Unit: 1645

Examiner:

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Commissioner for Patents
Washington, D.C. 20231

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December 3, 2001

Date of Signature and of Mail Deposit

By:

Peter C. Lauro, Esq.

Reg. No. 32,360

Attorney for Applicants

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NON-PROVISIONAL APPLICATION**

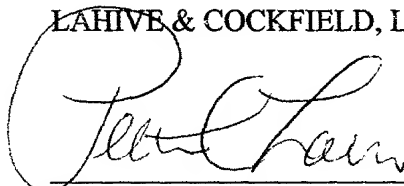
Dear Sir:

Responsive to the Notice to File Missing Parts of Non-Provisional Application dated October 2, 2001, Applicants' attorney submits herewith the executed Declaration, Petition and Power of Attorney for Patent Application, as well as Substitute Drawing Sheets 1-11 for the above-identified patent application. A check in the amount of \$65.00 is enclosed to cover the surcharge based on small entity status. A copy of the Formalities Letter is also enclosed.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

A handwritten signature in cursive script, appearing to read "Peter C. Lauro", is written over a horizontal line.

Peter C. Lauro, Esq.
Registration No. 32,360
Attorney for Applicants
28 State Street
Boston, MA 02109
Tel. (617) 227-7400

Dated: December 3, 2001

09/939,011-016206



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: James Benn et al.

Serial No.: 09/939,011

Filed: August 24, 2001

Title: DEVICE FOR IDENTIFYING THE
PRESENCE OF A NUCLEOTIDE SEQUENCE IN A
DNA SAMPLE

Attorney Docket No.: GEN-007ACP

Group Art Unit: 1645

Examiner:

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

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Attn: Official Draftsperson

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December 3, 2001

Date of Signature and of Mail Deposit

By:

Peter C. Lauro, Esq.

Reg. No. 32,360

Attorney for Applicants

TRANSMITTAL OF FORMAL DRAWINGS

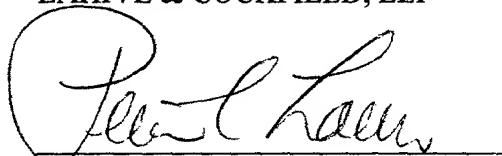
Dear Sir:

In response to the Notice to File Missing Parts of Non Provisional Application, transmitted herewith are 11 sheets of formal drawings (Figures 1-17). Applicants respectfully submit that the formal drawings are in compliance with 37 C.F.R. 1.85. Applicants request that the drawings be filed in the above-referenced patent application. No new matter has been added.

Please charge any fees in connection with this matter to Deposit Account No.
12-0080. A duplicate is enclosed for this purpose.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

A handwritten signature in cursive script, appearing to read "Peter C. Lauro", written over a horizontal line.

Peter C. Lauro, Esq.
Registration No. 32,360
Attorney for Applicants
28 State Street
Boston, MA 02109
Tel. (617) 227-7400

Dated: December 3, 2001

20031011 10:00:00

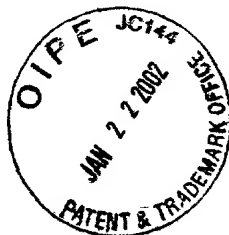


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/939,011	08/24/2001	James Benn	GEN-007ACP

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109



CONFIRMATION NO. 3415

FORMALITIES LETTER



OC000000006833487

Date Mailed: 10/02/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

COPY OF PAPERS
ORIGINALLY FILED

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

01/25/2002 ANABI1 00000024 09939011

01 FC:205 65.00 OP

*A copy of this notice **MUST** be returned with the reply.*

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